

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

PRISCILLA DOSS, et al.,

Plaintiffs,

v.

FRANCISCAN HEALTH SYSTEM d/b/a  
ST. JOSEPH MEDICAL CENTER,

Defendant.

CASE NO. C11-5163BHS

ORDER DENYING  
PLAINTIFFS' MOTION FOR  
REMAND AND ATTORNEY'S  
FEES

This matter comes before the Court on Plaintiffs' Motion for Remand and Attorney's Fees (Dkt. 5). The Court has reviewed the briefs filed in support of and in opposition to the motion and the remainder of the file and hereby denies the motion for the reasons stated herein.

**I. PROCEDURAL HISTORY**

On January 24, 2011, Plaintiffs Priscilla Doss, Theonie Labee, Patrice Miller, Patricia Norris, and Mary Hayes ("Plaintiffs") filed a complaint against Defendant Franciscan Health System d/b/a St. Joseph Medical Center ("St. Joseph") in the Washington State Superior Court in and for the County of Pierce. Dkt. 2, Declaration of Elena C. Burt, Exh. B ("Complaint"). Plaintiffs assert nine causes of action: (1) race

1 discrimination; (2) national origin discrimination; (3) hostile work environment; (4)  
 2 “disparate treatment”; (5) “disparate impact”; (6) unlawful retaliation; (7) negligence,  
 3 negligent infliction of emotional distress, negligent hiring, retention and supervision; (8)  
 4 intentional infliction of emotional distress, outrage; and (9) wrongful discharge (actual  
 5 and constructive). Complaint, ¶¶ 6.1-6.9. Each Plaintiff alleges that she “was regularly  
 6 cut from shifts and not allowed over-time when Caucasian employees were allowed  
 7 special privileges.” *Id.*, ¶¶ 5.2.6, 5.2.6 [sic], 5.3.5, 5.4.5, & 5.5.5.

8 On March 2, 2011, St. Joseph removed the action to this Court. Dkt. 1. On March  
 9 15, 2011, Plaintiffs filed a Motion for Remand and Attorney’s Fees. Dkt. 5. On April 4,  
 10 2011, St. Joseph responded. Dkt. 13. Plaintiffs did not reply.

## 11 II. DISCUSSION

12 Plaintiffs argue that no basis for removal exists because the “Complaint does not  
 13 allege any federal causes of action.” Dkt. 5 at 2. St. Joseph counters that federal  
 14 jurisdiction is conferred based on section 301(a) of the Labor Management Relations Act,  
 15 which covers “[s]uits for violations of contracts between an employer and a labor  
 16 organization.” Dkt. 13 at 3 (citing 29 U.S.C. § 185(a)).

17 A suit for breach of a collective bargaining agreement is governed exclusively by  
 18 federal law under section 301. *Franchise Tax Bd. v. Construction Laborers Vacation*  
 19 *Trust*, 463 U.S. 1, 23 (1983). “The preemptive force of section 301 is so powerful as to  
 20 displace entirely any state claim based on a collective bargaining agreement and any state  
 21 claim whose outcome depends on analysis of the terms of the agreement.” *Young v.*  
 22 *Anthony’s Fish Grottos, Inc.*, 830 F.2d 993, 997 (9th Cir. 1987) (citations omitted).

23 In this case, Plaintiffs allege that they were wrongfully “cut” from shifts. The  
 24 Collective Bargaining Agreement (“CBA”) that governs Plaintiffs’ employment with St.  
 25 Joseph includes a provision regarding the “cutting” of shifts. *See* Dkt. 13, Declaration of  
 26 Sharon Royne, ¶¶ 3-4 and Exh. A at 8-9. St. Joseph asserts that Plaintiffs’ allegations and  
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1 causes of action require the Court to interpret this provision of the CBA and, therefore,  
2 Plaintiffs' state law claims depend on an analysis of the terms of the CBA. Plaintiffs  
3 disagree. The Court concludes from the pleadings that it will be required to interpret the  
4 provisions of the CBA and as a result, federal jurisdiction has been conferred.

5 **III. ORDER**

6 Therefore, it is hereby **ORDERED** that Plaintiffs' Motion for Remand and  
7 Attorney's Fees (Dkt. 5) is **DENIED**.

8 DATED this 12th day of May, 2011.

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11 BENJAMIN H. SETTLE  
12 United States District Judge  
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